

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SIMON CARUS-WILSON

Petitioner,

v.

CASE NO. 06-CV-10582
HONORABLE JOHN CORBETT O'MEARA

SHALLIMAR HOWARD,

Respondent.

/

ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

Simon Carus-Wilson (“Petitioner”) has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging an Oakland County drug conviction for which he was sentenced to a term of probation in 2002.

In reviewing this matter, the Court has discovered that Petitioner is on absconder status from the Michigan Department of Corrections. *See* Offender Tracking Information System (“OTIS”) Offender Profile, attached. Because Petitioner is on absconder status and has been so since August 31, 2006, this Court will dismiss his habeas petition pursuant to the “fugitive disentitlement doctrine,” which allows a court, in the exercise of its discretion, to dismiss an appeal by a defendant who has fled from custody on a criminal conviction imposed by a court in this country. *See, e.g., Estelle v. Dorrough*, 420 U.S. 534 (1975). Several federal courts have invoked the fugitive disentitlement doctrine to dismiss habeas petitions. *See Bagwell v. Dretke*, 376 F.3d 408, 412 (5th Cir. 2004) (citing cases). Dismissal is appropriate in this case due to the unenforceability of any judgment authorizing habeas relief, the indignity visited upon the court

and the rule of law, and deterrence.

Accordingly,

IT IS ORDERED that the petition for writ of habeas corpus is **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Dated: August 7, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 7, 2007, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager